

# State of South Dakota

SEVENTY-EIGHTH SESSION  
LEGISLATIVE ASSEMBLY, 2003

480I0415

## HOUSE BILL NO. 1100

Introduced by: Representatives Solum and Kroger and Senators Jaspers, Dempster, Olson  
(Ed), and Reedy

1 FOR AN ACT ENTITLED, An Act to make certain alcohol license fee provisions consistent.

2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

3 Section 1. That § 35-4-2 be amended to read as follows:

4 35-4-2. Classes of licenses, with the fee of each class, follow:

5 (1) Distillers -- four thousand dollars. However, no license fee is required for  
6 manufacturers of alcohol for use in industry as a nonbeverage. If such manufacturer  
7 of industrial alcohol shall at any time manufacture, produce, distill, sell, barter, or  
8 dispose of alcohol for any use other than an industrial use, the license fee required by  
9 this section shall be allocated to and payable for the portion of the year the  
10 manufacturer devoted to such other use for each calendar month or fraction thereof  
11 while so engaged, but in no case less than one-twelfth of said license fee;

12 (2) Wholesalers of alcoholic beverages -- five thousand dollars;

13 (3) Off-sale -- not ~~to exceed~~ less than five hundred dollars in municipalities of the first  
14 class, not more than four hundred dollars in municipalities of the second class, and not  
15 more than three hundred dollars in municipalities of the third class;



- 1       (4)    On-sale -- in municipalities of various classes: municipalities of the first class, not less  
2            than one dollar for each person residing within the municipality as measured by the  
3            last preceding federal census, the renewal fee for such license is fifteen hundred  
4            dollars; municipalities of the second class, no more than twelve hundred dollars;  
5            municipalities of the third class, no more than nine hundred dollars;
- 6       (5)    Off-sale licenses issued to municipalities under local option -- not less than two  
7            hundred fifty dollars;
- 8       (6)    On-sale licenses issued outside municipalities -- except as provided in § 35-4-11.9, not  
9            less than the maximum that the municipality to which the applicant is nearest is  
10           charging for a like license in that municipality, the renewal fee shall be the same as is  
11           charged for a like license in the nearest municipality. However, if the nearest  
12           municipality is more than fifteen miles from the on-sale license, the fee shall be  
13           established pursuant to § 35-4-11.10. If the municipality to which the applicant is  
14           nearest holds an on-sale license, pursuant to § 35-3-13 and does not charge a  
15           specified fee, then the fee shall be the maximum amount that could be charged as if  
16           the municipality had not been authorized to obtain on-sale licenses pursuant to  
17           § 35-3-13. However, if the nearest municipality is a municipality of the first class and  
18           is authorized to hold an on-sale license pursuant to § 35-3-13, such fee may not be  
19           more than one hundred fifty percent of the minimum a municipality not so authorized  
20           may charge for a like license. The renewal fee shall be the same as could be charged  
21           for a like license in the nearest municipality;
- 22       (7)    Solicitors -- twenty-five dollars;
- 23       (8)    Transportation companies -- twenty-five dollars;
- 24       (9)    Carrier -- one hundred dollars, which fee ~~shall entitle~~ entitles the licensee to sell or

serve alcoholic beverages on all conveyances ~~they operate~~ the licensee operates within the state;

(10) Dispensers -- ten dollars;

(11) On-sale dealers at publicly operated airports -- two hundred fifty dollars;

(12) On-sale dealers in wine for Sunday -- five hundred dollars;

(13) Convention facility on-sale -- not less than one dollar for each person residing within the municipality as measured by the last preceding federal census, the renewal fee for such license, in municipalities of the first class, is fifteen hundred dollars; the renewal fee for such license, in municipalities of the second class, is no more than twelve hundred dollars; the renewal fee for such license, in municipalities of the third class, is no more than nine hundred dollars;

(14) Manufacturers of malt beverages -- five hundred dollars;

(15) Wholesalers of malt beverages -- four hundred dollars;

(16) Malt beverage retailers, being both package dealers and on-sale dealers -- two hundred fifty dollars;

(17) Malt beverage package dealers -- one hundred fifty dollars;

(18) On-sale dealers in light wine containing not more than six percent alcohol by weight for each day of the week between the hours of seven o'clock a.m. and two o'clock a.m. to nonprofit corporations established pursuant to chapter 7-27 -- two hundred dollars; and

(19) Off-sale package wine dealers in table wines, sparkling wines, and sacramental wine to be operated in conjunction with a farm winery established pursuant to chapter 35-12 -- one hundred fifty dollars.